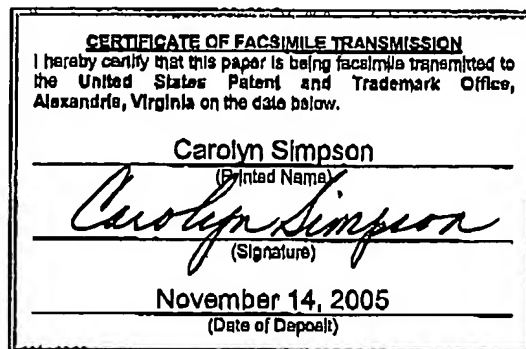


Atty. Dkt. No. 032016-0128

Application No. 10/763,726

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Majchrzak et al.
 Title: FOOD CONTAINER
 Appl. No.: 10/763,726
 Appl. Filing Date: 01/23/2004
 Examiner: Pelham, Joseph Moore
 Art Unit: 3742



REQUEST FOR CONTINUED EXAMINATION (RCE)
TRANSMITTAL

Mail Stop 313(c)
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

FAX RECEIVED

NOV 14 2005

OFFICE OF PETITIONS

Sir:

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application. This RCE and the enclosed items listed below are being filed prior to the earliest of: (1) payment of the issue fee (unless a petition under 37 C.F.R. § 1.313 is granted); (2) abandonment of the application; or (3) the filing of a notice of appeal to the U.S. Court of Appeals for the Federal Circuit under 35 U.S.C. § 141, or the commencement of a civil action under 35 U.S.C. § 145 or § 146 (unless the appeal or civil action is terminated).

1. Submission required under 37 C.F.R. § 1.114: (check items that apply)

a. Previously submitted:

- ☐ Please enter and consider the amendment and/or reply previously filed on __.
- ☐ Please consider the Affidavit(s)/Declaration(s) previously filed on __ but not considered.

11/16/2005 AKELLEY 00000004 061447 10763726

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 MILW_1916491.1

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☐ Please consider the arguments in the Appeal Brief or Reply previously filed on ____.

☐ Other ____.

b. Enclosed are:

☒ Amendment/Reply (6 pages).

☐ Affidavit(s)/Declaration(s).

☒ Information Disclosure Statement (3 pages).

☒ Form PTO/SB/08 (1 page) with 6 listed references (3 enclosed).

☒ Petition for Withdrawal from Issue After the Issue Fee Has Been Paid (1 page).

Miscellaneous:

☐ Suspension of action of the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of ____ months.

The filing fee is calculated below:

	Claims as Amended	Previously Paid For	Extra Claims Present	Rate	Fee Totals
RCE Fee 1.17(e):				\$790.00	= \$790.00
Total Claims:	26	- 41	= 0	x \$50.00	= \$0.00
Independents	2	- 8	= 0	x \$200.00	= \$0.00
First presentation of any Multiple Dependent Claims:				+ \$360.00	= \$0.00
CLAIMS FEE TOTAL:					= \$790.00

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- ☐ Applicant hereby petitions for an extension of time under 37 C.F.R. §1.136(a) for the total number of months checked below:

<input type="checkbox"/>	Extension for response filed within the first month:	\$120.00	0	\$0.00
<input type="checkbox"/>	Extension for response filed within the second month:	\$450.00		\$0.00
<input type="checkbox"/>	Extension for response filed within the third month:	\$1,020.00		\$0.00
<input type="checkbox"/>	Extension for response filed within the fourth month:	\$1,590.00		\$0.00
<input type="checkbox"/>	Extension for response filed within the fifth month:	\$2,160.00		\$0.00
	EXTENSION FEE SUBTOTAL:			\$0.00
	EXTENSION FEE ALREADY PAID: -			\$0.00
	EXTENSION FEE TOTAL			\$0.00
	CLAIMS AND EXTENSION FEE TOTAL:			\$790.00
<input checked="" type="checkbox"/>	Small Entity Fees Apply (subtract ½ of above):			\$395.00
<input type="checkbox"/>	Suspension of action requested under 37 C.F.R. § 1.103(c)			\$0.00
	TOTAL FEE:			\$395.00

- ☒ Please charge Deposit Account No. 06-1447 in the amount of \$525.00 for RCE Fee (\$395.00) and Petition Fee (\$130.00). A duplicate copy of this transmittal is enclosed.
- ☒ The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 06-1447. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1447.

Atty. Dkt. No. 032016-0128

Application No. 10/763,726

Please direct all correspondence to the undersigned attorney or agent at the address indicated below.

Respectfully submitted,

Date Nov. 14, 2005

By Scott C. Nielson

FOLEY & LARDNER LLP

Customer Number: 26371

Telephone: (414) 297-5718

Facsimile: (414) 297-4900

Scott C. Nielson

Attorney for Applicant

Registration No. 50,755